

BACKGROUND

Zoning

This 28.6 acre site is zoned Planned Regional Center (PRC). The PRC zoning district allows a broad range of general merchandise and service uses, office, cultural and entertainment uses, and residential.

Context

Located on N. Scottsdale Road bounded by E. Butherus Road to the south, N. 73rd Street to the east and E. Greenway-Hayden Loop to the north, this site is near the western edge of the Scottsdale Airpark. Kierland Commons shopping center is to the immediate west, across N. Scottsdale Road from this site.

Phases I & II of the project have been completed and are open for business. Minibar is located in a ground level suite mid-building on the north side of Building J. Building J is a mixed-use building and parking structure located along the south project boundary of Scottsdale Quarter adjacent to E. Butherus Road.

Adjacent Uses and Zoning

Minibar is located in the Scottsdale Quarter project and all adjacent land uses are commercial mixed-use within the same project and zoning. The uses and zoning listed below are around the perimeter boundaries of the overall site.

- North Commercial uses; Zoned Highway Commercial District (C-3).
- South Commercial office, Vacant land; Zoned Industrial Park District (I-1).
- East Commercial office, Aviation uses; Zoned Industrial Park District (I-1).
- West City of Phoenix mixed use development (Kierland Commons) zoned commercial.

Key Items for Consideration

- The Conditional Use Permit Criteria for a Bar must be met.
- Minibar is located in an existing building within Scottsdale Quarter, a mixed-use development containing more than 1.2 million square feet of floor area.
- The nearest existing residential use is more than 1,200 feet to the west within the Kierland Commons mixed-use development.
- There are residential uses proposed within Phase III of the Scottsdale Quarter project. These residential uses will be approximately 300 feet away from the closest part of the proposed establishment.
- The Planning Department has not received any opposition on the Conditional Use Permit request as of the date of this report.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant is requesting approval of a Conditional Use Permit for a Bar use at the proposed location. Minibar is a full service restaurant that will serve lunch, dinner and spirits along the line of beer and wine. Although Minibar will most likely function as a restaurant, it is considered a bar due to the lack of a kitchen and since the bar service area is greater than 15% of the total floor area. All food served at Minibar is prepared daily in an off-site kitchen and brought in to the restaurant for serving. Minibar will be open Sunday through Thursday 10:00 a.m. to 12:00 a.m. and Friday and Saturday 10:00 a.m. to 2:00 a.m.

Development Information

- Existing Use: Vacant tenant space
- Proposed Use: Bar/Restaurant
- Parcel Size: ± 22 acres
- Building Height Allowed: 60 Feet
- Building Height Existing: 60 Feet
- Parking Required (tenant): 4 spaces
- Parking Required (whole site): 2,987 spaces
- Parking Provided: 3,200 spaces
- Open Space Required: 204,911 square feet
- Open Space Provided: 248,065 square feet
- Floor Area:

Public Area (indoor):	919 square feet
Bar service area:	186 square feet
Food display area:	48 square feet
Total:	1,153 square feet

IMPACT ANALYSIS

Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

- **Minibar is located within the Scottsdale Quarter mixed-use development surrounded by commercial, industrial, and aviation uses. There is not any new lighting proposed and it is not anticipated that there will be noise beyond the level a restaurant without a bar would generate. It is not anticipated that the Bar use will cause damage or nuisance from noise, smoke, odor, dust, vibration, or illumination.**
2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **This type of use was planned as part of the Scottsdale Quarter development and included in the traffic impact analysis for the project. The proposed bar use is not anticipated to create any adverse traffic impacts.**
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - **There are no other known factors associated with this project that will be materially detrimental to the public.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **The proposed bar use is compatible with the uses proposed within Scottsdale Quarter and the surrounding uses which include office, retail, restaurants, restaurants with bars, and industrial.**
- C. The additional conditions in Section 1.403, as applicable, have been satisfied.
1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - **Most uses within Scottsdale Quarter and the surrounding area are retail shops, offices and industrial airpark uses which operate mostly during the daytime and in early evening. The proposed bar use is intended to operate in the afternoon and evening and will not adversely impact other uses.**
 2. The use shall not disrupt pedestrian-oriented daytime activities.
 - **There is a substantial amount of pedestrian circulation provided throughout the Scottsdale Quarter project which will not be negatively impacted by the proposed bar use. The proposed bar is in a mid-building location with a minimum eight (8) feet wide sidewalk in front of the space. There is not an outdoor patio proposed.**
 3. If the site is located within the downtown overlay district then:
 - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
 - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.

- **The site is outside of the Downtown and Downtown Overlay area.**
4. If the use is located within five hundred (500) feet of a residential use or district then:
 - a. The use shall not adversely impact residential uses.
 - b. The use shall provide methods of buffering residential uses.
 - **The proposed establishment is not within 500 feet of any existing residential zone or use. There is residential development proposed within Phase III of the Scottsdale Quarter project which will not be completed until after Minibar is established. The proposed residential development will be buffered by other commercial buildings and it is not anticipated that Minibar will generate noise beyond the ambient levels in the area.**
 5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - **A Security, Maintenance and Operations Plan has been submitted and approved by the Police Department.**
 6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.
 - **Provisions for refuse control are included with the Security, Maintenance and Operations Plan and have been stipulated with this case.**
 7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - **No new exterior lighting is proposed for the establishment. Noise levels have been stipulated not to exceed the ambient noise levels of the area.**
 8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - **Scottsdale Quarter is a Mixed-Use Commercial Center parked at a rate of 1 space per 300 square feet of gross floor area. Minibar has 1,153 square feet of indoor floor area requiring 4 parking spaces. At full build out, the project will have 2,452 shared parking spaces available for the mix of commercial uses on the site. At least 4 spaces will be available to Minibar at all times, and it is anticipated that during the peak hours of operation for Minibar, the spaces available for their use will be in excess of 4. Parking is provided in conformance with the Zoning Ordinance Requirements.**

This type of use was planned as part of the Scottsdale Quarter development and included in the traffic impact analysis for the project. The proposed bar use is not anticipated to create any adverse traffic impacts.

9. After hours establishments must maintain a valid after hours establishment license.

- The proposed use is not an after hours establishment.

Traffic

The site is bounded by three arterial streets (N. Scottsdale Road, E. Greenway-Hayden Loop and E. Butherus Road) and a minor collector street (Dial Boulevard/N. 73rd Street). A traffic impact analysis was performed for the Scottsdale Quarter project during the rezoning and General Plan amendment of the site (14-ZN-2005, 5-GP-2005). This study concluded that there is sufficient capacity for the proposed mix of uses on the site, which included restaurant, bar, retail, office, hotel and residential. Any traffic generated by this use is not anticipated to create any significant adverse impacts.

Parking

Scottsdale Quarter is a Mixed-Use Commercial Center parked at a rate of 1 space per 300 square feet of gross floor area. Minibar has 1,153 square feet of indoor floor area requiring 4 parking spaces. At full build out, the project will have 2,452 shared parking spaces available for the mix of commercial uses on the site. At least 4 spaces will be available to Minibar at all times, and it is anticipated that during the peak hours of operation for Minibar, the spaces available for their use will be in excess of 4. Parking is provided in conformance with the Zoning Ordinance Requirements.

Water/Sewer

The water and sewer improvements necessary to serve the site are existing. This proposal is not anticipated to generate any additional impacts.

Public Safety

There are no reported public service concerns with these types of uses in this area. Bar uses are required to submit a Security, Maintenance and Operations Plan, which has been reviewed and approved by the Police Department. Station #9 of the City of Scottsdale Fire Department is the nearest fire station to the site. The station is located at the northeast corner of E. Raintree Drive and N. 78th Way.

Liquor License Review

The applicant has not yet submitted for liquor license review at this time, but plans to submit and obtain approval for a series 7 (beer and wine) license prior to opening.

Community Involvement

Property owners within a 750-foot radius of the subject site were notified and the site was posted. Staff has not received any comments from the public regarding this application.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval of the proposed Bar use per the attached stipulations.

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACTS (S)

Bryan Cluff

Planner

480-312-2258

E-mail: bcluff@ScottsdaleAZ.gov

APPROVED BY



Bryan Cluff, Report Author

11/30/10

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

11/30/2010

Date



Connie Padian, Administrator
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

12/2/10

Date

ATTACHMENTS

1. Stipulations
 - Exhibit A to Attachment 1 Site Plan
 - Exhibit B to Attachment 1 Floor Plan
2. Applicant's Narrative
3. Context Aerial
- 3A. Aerial Close-Up
4. General Plan Map
5. Zoning Map
6. Citizen Involvement
7. City Notification Map

Conditional Use Permit – Bar

Stipulations

Minibar @ Scottsdale Quarter

Case Number: 36-UP-2010

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

OPERATIONS

1. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by Glimcher, with the city staff date of 11/8/2010, attached as Exhibit A to Attachment 1. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by John Chonka Projekt, with the city staff date of 11/8/2010, attached as Exhibit B to Attachment 1. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **NO LIVE ENTERTAINMENT.** This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request.
4. **HOURS OF BAR OPERATIONS.** The hours of the bar operations for this establishment shall be limited to:

	Open	Close
Sunday	10:00 a.m.	2:30 a.m.
Monday	10:00 a.m.	2:30 a.m.
Tuesday	10:00 a.m.	2:30 a.m.
Wednesday	10:00 a.m.	2:30 a.m.
Thursday	10:00 a.m.	2:30 a.m.
Friday	10:00 a.m.	2:30 a.m.
Saturday	10:00 a.m.	2:30 a.m.

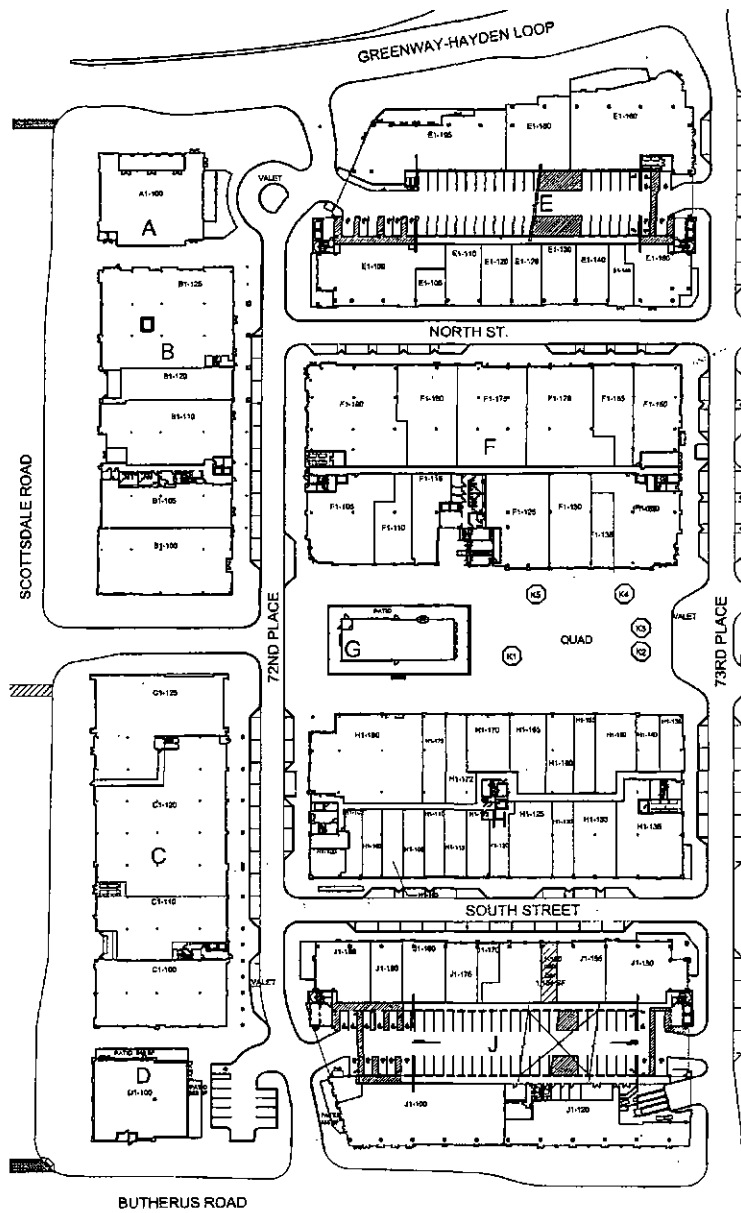
5. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The operations of the bar shall conform to the Security, Maintenance, and Operations Plan approved by City staff and the Police Department dated 11/4/2010, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security,

Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division.

6. NOISE. Noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator or designee.
7. EXTERNAL DOORS. All external doors shall be closed but not locked during business hours.

ADMINISTRATIVE/PROCESS

8. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
9. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.




NORTH

01 GROUND LEVEL LEASE PLAN

Scale: NTS

REF:

 PROPOSED BAR USE AREA FOR mini bar

<p>GLIMCHER GLIMCHER PROPERTIES LIMITED PARTNERSHIP 180 East Broad Street, 21st Floor Columbus, OH 43215 Phone: 614.621.9000 Fax: 614.621.9321</p>	<p>SCOTTSDALE QUARTER SITE PLAN TO SUPPORT MINI BAR BAR USE PERMIT APPLICATION SCOTTSDALE, ARIZONA</p> <p>DATE: 11.04.10</p>
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36-UP-2010
 1st: 11/8/2010

EXHIBIT A to ATTACHMENT 1: SITE PLAN

November 8, 2010

minibar Project Narrative

The minibar is respectfully requesting a Conditional Use Permit be granted to open a location at 15307 N. Scottsdale Road, Suite J-160, Scottsdale, Arizona, 85254 within the Scottsdale Quarter development.

The minibar technically does not qualify as a restaurant because it does not have 15% of its space dedicated to a traditional kitchen. Even though this is the case, the minibar will in fact function as a full service restaurant serving lunch and dinner daily with 41 seats. All of the food is prepared daily in an off site kitchen by the acclaimed Vincent's on Camelback. Additionally the minibar has a series 7 liquor license serving spirits along the lines of beer, wine, sake, port and champagne.

The minibar will not disrupt the existing balance of daytime and nighttime uses as it is located within Scottsdale Quarter, a mixed use development, which was specifically designed and zoned to accommodate daytime and nighttime shopping and dining.

The minibar will not disrupt pedestrian-oriented daytime activities as it is totally self contained and will not impede any pedestrian walkways.

The minibar will promote diversity of first floor uses so retail customers will have a convenient dining alternative while shopping without having to drive to another location to eat. The parking for the minibar is within 600 feet and customers will not have to cross a major or minor arterial street to access it.

The minibar is within 500 feet of a residential district, however it will not adversely impact the residential uses. In fact it will provide a safe and fun alternative to dining at home. The minibar is located within a commercial development which provides the necessary residential buffering.

The minibar Security, Maintenance and Operations Plan is clearly outlined below.

We have outlined the Security, Maintenance and Operations Plan Musikantow & Associates, LLC DBA the minibar will be using to comply with all Scottsdale Revised Codes under a Bar Use Permit. The minibar will actually function as a full service restaurant serving lunch and dinner seven days a week with a full menu plus spirits under a series 7 beer and wine license. The menu will consist of an array of sandwiches, sides, salads, pastas, dips, home made chips, fresh baked breads, cheese/fruit platters and desserts. Vincent's on Camelback will be preparing and delivering our food daily, additionally we will be offering all of our food to go as well. There is no dance floor or live music venue at the minibar.

We do not expect the minibar to cause any significant increase in vehicular or pedestrian traffic, nor any adverse effects upon parking, traffic or circulation in the area. Through

proper management, we plan to control disruptive behavior both inside and outside the premises including property damage and refuse issues. We also will be compatible with the surrounding structures and uses.

The minibar is not planning on holding promotional events, use a security staff, hire off duty police officers or an outside security company. The minibar's management will work with the Scottsdale Quarter Security and the local Scottsdale Police Department to maintain a quiet and safe environment for both the customers and the local neighbors. There will a manager on duty during peak nights, a general manager and one assistant on duty during hours of operation and 30 minutes after closing. A manager will be identified as the "Security Manager" who will be on duty for one hour after closing.

The minibar management will be responsible for any designated parking areas including any lots used by Permittee's contracted valet company. Management will also ensure that parking areas are not used as gathering places; for consumption of spirituous liquor; for violations of state or city law; for acts of violence, or disorderly conduct. Management will ensure that all patrons have left the parking areas within 30 minutes after the designated closing time. Permittee will ensure that the valet company meets all requirements of the City of Scottsdale and has a valid valet license and permit prior to conducting business.

The minibar management will ensure refuse containers are properly used and the area around the business will be kept clean. At closing, management will be responsible for refuse pick-up and any appropriate cleaning, for any refuse found within a 300 foot radius of the business. This will also include patron parking lots, valet parking lots and employee parking lots. All bottles, trash, bodily fluids or secretions and refuse found on streets, sidewalks, private property, and empty lots within the above designated area will be placed in the refuse container or cleaned appropriately.

The minibar will not have a dance floor or live music, so the noise and light generated will be very minimal.

The minibar meets the required parking requirements and will not exceed capacity for traffic in the area. A copy of the developers parking and traffic analysis is included with this narrative.

The minibar will not operate after hours, therefore there will be no need to obtain or maintain an after hours establishment license.


Furthermore, the granting of a Conditional Use Permit for the minibar will not be materially detrimental to the public health, safety or welfare because the use will not cause damage, nuisance arising from noise, smoke, odor, dust, vibration or illumination.

The characteristics of the minibar's proposed use is reasonably compatible with the types of uses permitted immediately within the Scottsdale Quarter development and the surrounding areas.

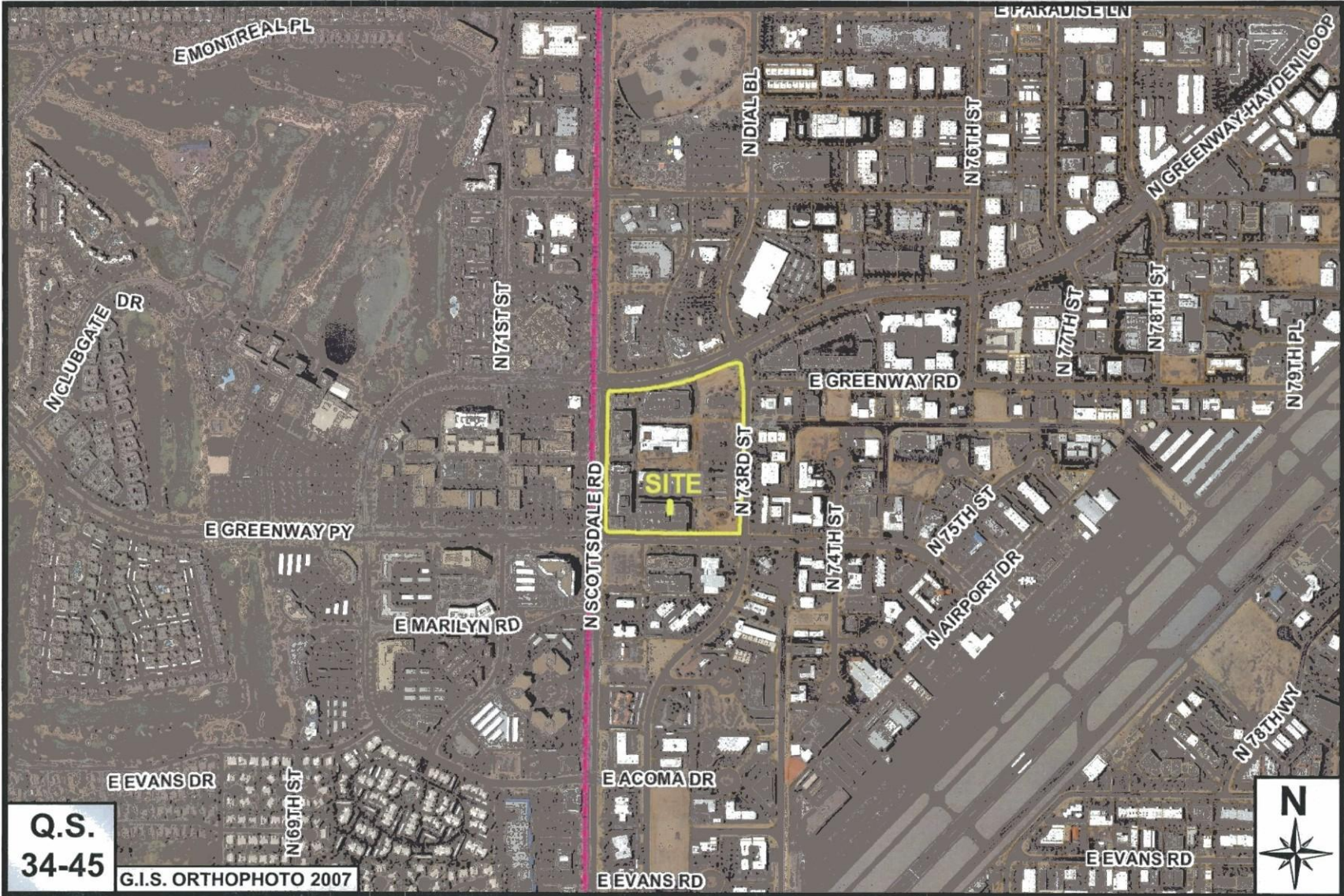
Additionally, the minibar complies with and satisfies all the conditions outlined in the Zoning Ordinance Section 1.403.

We are excited about this project and sincerely hope the customers at Scottsdale Quarter and the City of Scottsdale enjoy this new concept.

Warmest regards,

A handwritten signature in black ink, appearing to read 'Evan Musikantow', with a stylized flourish at the end.

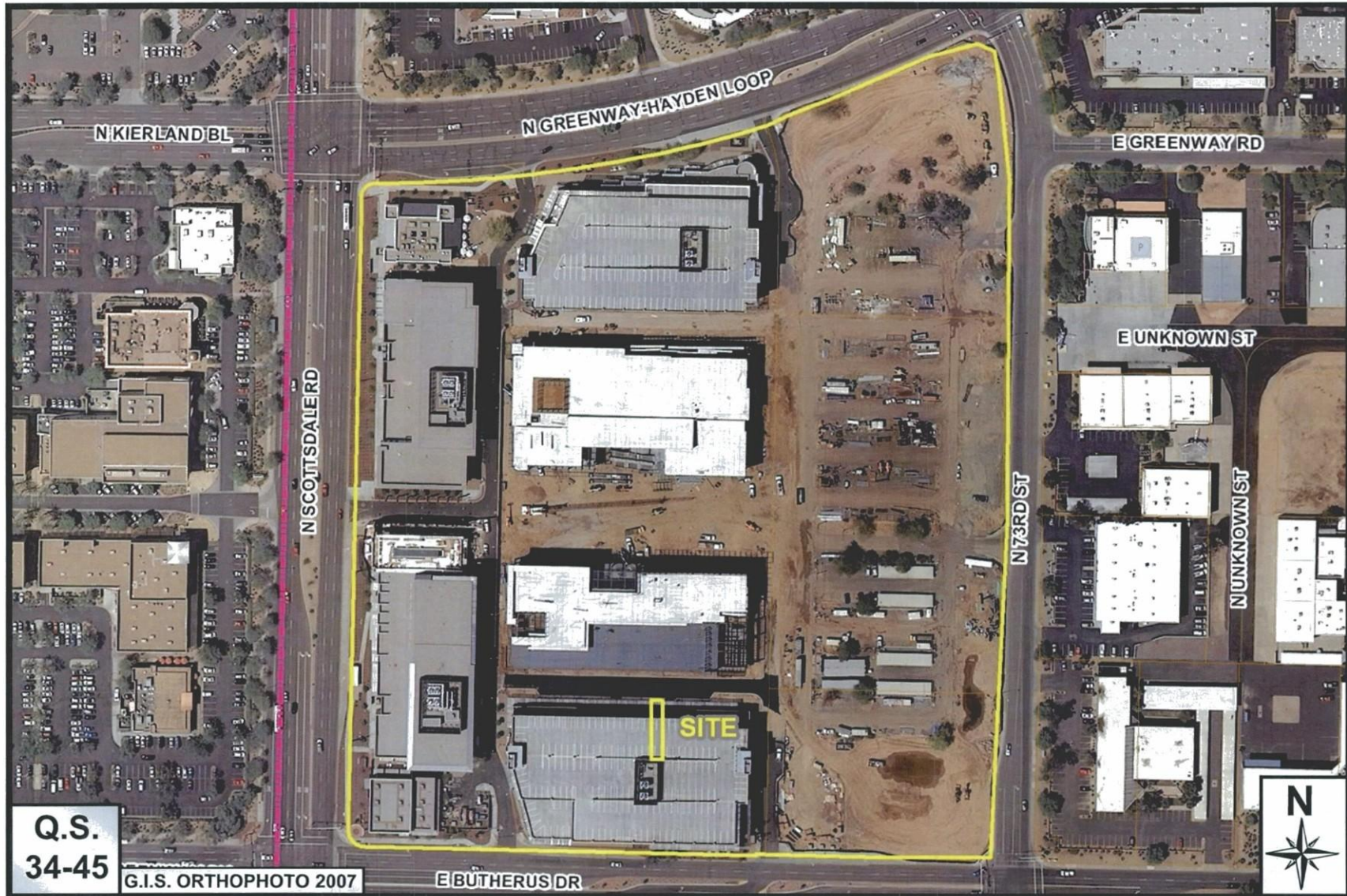
Evan Musikantow
Musikantow & Associates, LLC
DBA: minibar



Q.S.
34-45
G.I.S. ORTHOPHOTO 2007

36-UP-2010 *Mini.Bar.Bershop @ Scottsdale Quarter*

ATTACHMENT #3



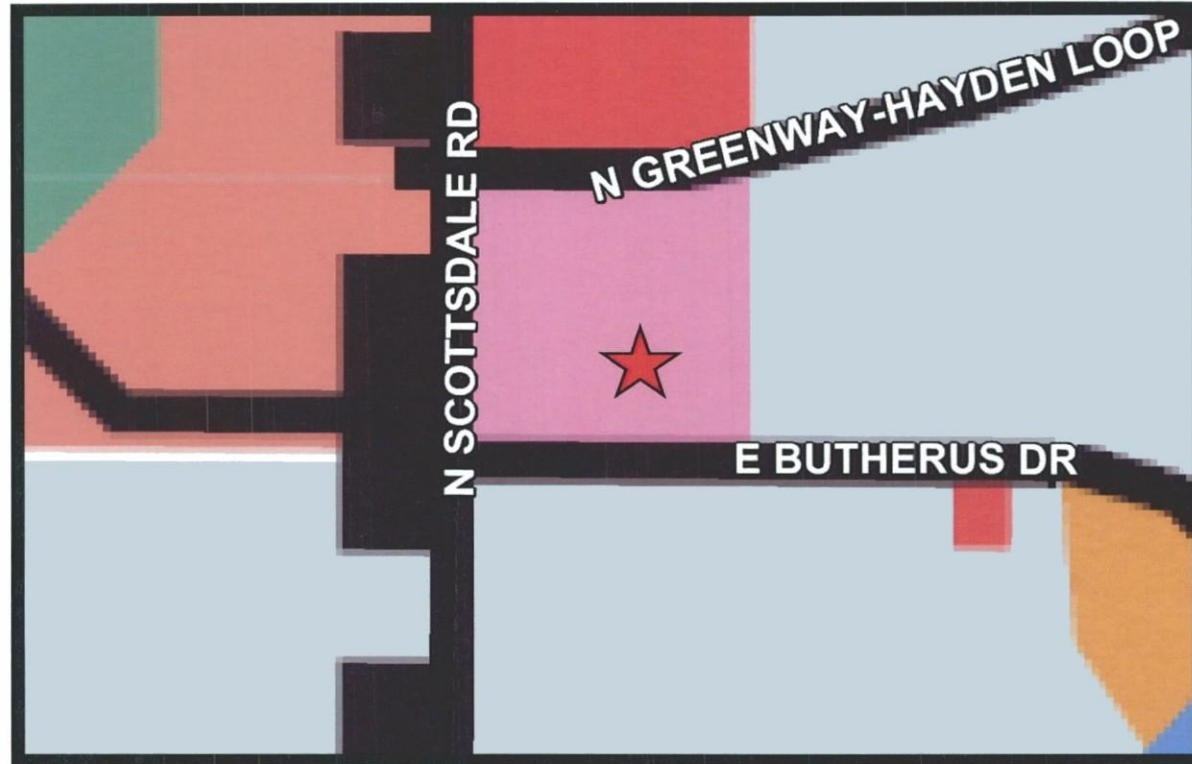
Q.S.
34-45

G.I.S. ORTHOPHOTO 2007

E BUTHERUS DR

36-UP-2010 *Mini.Bar.Bershop @ Scottsdale Quarter*

ATTACHMENT #3A



36-UP-2010
ATTACHMENT #4



36-UP-2010

ATTACHMENT #5



MAILING 750'

November 8, 2010

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Warmest regards,

Evan Musikantow
Musikantow & Associates, LLC
DBA: minibar
800-989-8198

City of Scottsdale Contact:
Bryan Cluff
Planning & Development Services
7447 E. Indian School Road., Suite 105
Scottsdale, AZ 85251
480-312-2258
bcluff@ScottsdaleAZ.gov

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- *Interested Parties List*
- *Adjacent HOA's*

Q.S.
34-45

Pulled Labels 11/08/2010



**MiniBar@ Scottsdale
Quarter**

36-UP-2010

ATTACHMENT #7